REMARKS

Applicants and the undersigned are most grateful for the time and effort accorded the instant application by the Examiner. In the Office Action dated October 19, 2006, a new rejection was made rejecting pending Claims 1-6 and 8-20 under Section 103 and the rejection was made final. Of these claims, Claims 1, 6, 10, 13, and 16-19 are independent claims; the remaining claims are dependent claims. The Office is respectfully requested to reconsider the rejections presented in the outstanding Office Action in light of the following remarks.

Rejection of claims 1-6 and 8-19 under 35 U.S.C. 103(a)

Claims 1-6 and 8-19 stand rejected under 35 USC 103(a) as being unpatentable over Chang et al. (hereinafter "Chang") in view of Jilk et al. (hereinafter "Jilk"). Reconsideration and withdrawal of the present rejections are hereby respectfully requested.

The present invention broadly contemplates a system and method for web page acquisition which reduces the waiting time experienced by a user who accesses a network site when the network is busy and reduces the load imposed on the server of a provider. (Page 4, lines 15-17) As discussed in the application, a schedule for the acquisition of a web page is prepared by applying a predetermined scheduling rule for an acquisition list that comprises acquisition requests. (Page 25, lines 1-10) These requests are combined so that the requests in the list will not overlap with one another. One such scheduling rule is the acquisition of a web page to be performed within a time period during which

the volume of the communication traffic is small. (Page 25, lines 8-10) The web page source that is acquired can be formed into a library file that can be both stored in a web page acquisition server as well as transmitted to the user. This is preferable because the user is able to handle the web page sources as a single local file rather than multiple pages that need to be accessed via the Internet. (Page 7, lines 9-13)

As best understood, Chang appears to be directed to methods and apparatus for accessing, *inter alia*, web pages maintained by a network server, and in particular scheduling the download of data from the World Wide Web without keeping the requesting computer system power on all the time till the upcoming download activities. (Col. 1, lines 7-15) See Col. 6, lines 60-63 ("The most important advantage of this invention is that the requesting computer system does not have to be power on all the time till the upcoming download activities.")

It is respectfully submitted that Chang fails to teach several of the limitations of the claimed invention. Specifically, Chang does not teach or suggest the formation of a library file from the web page source. As seen in the specification of the invention, a library file is utilized so that the user terminal is enabled to handle a web page as a local file. The Examiner asserts that the usage of an index entry associated with the received web page constitutes the formation of a library file. However, filling fields in an index that correspond to the time of download, number of bytes downloads, number of retries, and so forth, does not in any way teach or suggest formation of a library file. Jilk also fails to teach this limitation of forming a library file. Although Jilk mentions utilizing a code library in his implementation, it is readily understood by those in the art that

utilizing a code library to implement functionality, and forming a library file from web source pages are two distinct and disparate things. Thus, further rejection on this ground would be improper.

Further, in the outstanding Office Action, the Examiner agrees that Chang does not teach the generation of a web page acquisition list that comprises non-overlapping requests from a plurality of user terminals as is currently claimed. However, the Examiner asserts that Jilk does teach this generation. Applicants respectfully disagree and therefore traverse these rejections.

As best understood, Jilk appears to be directed towards a method of operating one or more Web pages by email. Jilk maintains a queue that holds URL requests, such that those requests are retrieved in priority order and are utilized to transmit the web page via email. This is in stark contrast to the instant invention, in which a plurality of users are requesting web pages and the web pages are processed such that there are no overlapping requests. There is no teaching or suggestion in Jilk that these requests are non-overlapping. Further, Jilk does not disclose that a plurality of users are requesting web pages. Rather, a url request is transmitted via email, and that request is maintained in a queue. Thus, the requests are not from a plurality of users. Rather, one user corresponding to the email address is accessing web pages via that email address. Thus, Jilk also fails to disclose the generation of a web page acquisition list that comprises non-overlapping requests from a plurality of user terminals as is currently claimed. Consequently, it is respectfully submitted that further rejections on this ground would be improper as well.

As the Examiner is assuredly aware, to establish a *prima facie* case of obviousness under 35 U.S.C. § 103 there must be: (1) a suggestion or motivation to modify a reference or combine references; (2) a reasonable expectation of success in making the modification or combination; and (3) a teaching or suggestion to one skilled in the art of all the claim limitations of the invention to which the art is applied. *See In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991). In the present instance a *prima facie* case of obviousness has not been demonstrated because, as explained above in regard to the shortcomings of Chang, all of the elements of the present invention have not been disclosed by the combined references, i.e., Jilk fails to overcome the deficiencies of Chang. Furthermore, there is no evidence that any expectation of success for the combination of the references exits. The aforementioned requirements have, therefore, not been satisfied and the immediate withdrawal of the present rejections and notice of allowance is appropriate.

In view of the foregoing, it is respectfully submitted that independent claims 1, 6, 10, 13, and 16-19 fully distinguish over the applied art and are thus in condition for allowance. By virtue of dependence from what are believed to be allowable independent Claims 1, 6, 10 and 13, it is respectfully submitted that Claims 2-5, 7-9, 11-12, 14-15, and 20 are also presently allowable.

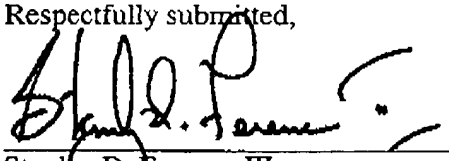
Rejection of claim 20 under 35 U.S.C. 103(a)

Claim 20 stands rejected 35 U.S.C. § 103(a) as being unpatentable over Chang in view of Jilk, and further in view of Reha et al. (hereafter "Reha"). Reconsideration and withdrawal of the present rejection is hereby respectfully requested.

With regards to this rejection, claim 20 is dependent upon independent claim 1. Applicants respectfully submit that claim 1 is allowable over Chang in view of Jilk as established above. Claim 20 is also allowable then, for at least the same reasons as claim 1. Applicants respectfully request that the Examiner withdraw the rejection of claim 20 as being unpatentable over Chang in view of Jilk and further in view of Reha under 35 U.S.C. 103(a).

In summary, it is respectfully submitted that the instant application, including Claims 1-6 and 8-20, is presently in condition for allowance. Notice to the effect is hereby earnestly solicited. If there are any further issues in this application, the Examiner is invited to contact the undersigned at the telephone number listed below.

Respectfully submitted,



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